

The Honorable Kymberly K. Evanson

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SEBASTIAN ROJAS,

Defendant.

NO. CR24-079 KKE

PLEA AGREEMENT

The United States, through Acting United States Attorney Teal Luthy Miller and Assistant United States Attorneys Casey S. Conzatti and Elyne M. Vaught of the Western District of Washington and Sebastian Rojas and Mr. Rojas' attorney Nicholas Marchi enter into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B).

1. **The Charge.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enters a plea of guilty to the following charge contained in the Indictment.

1 a. Conspiracy to Distribute Controlled Substances, a lesser included
2 offense of Count 1 of the indictment, in violation of Title 21, United States Code,
3 Sections 841(a)(1), 841(b)(1)(B), and 846.

4 By entering a plea of guilty, Defendant hereby waives all objections to the form of
5 the charging document. Defendant further understands that before entering any guilty
6 plea, Defendant will be placed under oath. Any statement given by Defendant under oath
7 may be used by the United States in a prosecution for perjury or false statement.

8 2. **Elements of the Offense.** The elements of Conspiracy to Distribute
9 Controlled Substances, a lesser included offense of Count 1 of the indictment, to which
10 Defendant is pleading guilty are as follows:

11 a. Beginning at a time unknown, but within the past five years, and
12 continuing until on or about May 8, 2024, there was an agreement between two or more
13 persons to distribute controlled substances including methamphetamine, and fentanyl;

14 b. The Defendant joined in the agreement knowing of its purpose and
15 intending to help accomplish that purpose.

16 3. **The Penalties.** Defendant understands that the statutory penalties
17 applicable to the offense to which Defendant is pleading guilty are as follows:

18 a. For the offense of Conspiracy to Distribute Controlled Substances, a
19 lesser included offense of Count 1 of the indictment: A maximum term of
20 imprisonment of up to 40 years and a mandatory minimum term of imprisonment
21 of five years, a fine of up to \$5,000,000, a period of supervision following release
22 from prison of at least four years, and a mandatory special assessment of one
23 hundred dollars.

24 **Drug Offense - Proof of Drug Quantity for Mandatory Minimum.** Defendant
25 further understands that, in order to invoke the statutory sentence for the drug offenses
26 charged in the lesser included offense as charged in Count 1 the United States must prove
27 that Defendant's conduct as a member of the narcotics conspiracy charged in the lesser

1 included offense as charged in Count 1 which includes the reasonably foreseeable
2 conduct of other members of the narcotics conspiracy charged in the lesser included
3 offense as charged in Count 1, involved five grams of more of actual methamphetamine,
4 or 50 grams of more of mixture or substance containing a detectable amount of
5 methamphetamine, or 40 grams or more of a mixture or substance containing a detectable
6 amount of fentanyl. Defendant expressly waives the right to require the United States to
7 make this proof at trial and stipulates as a part of this plea of guilty that Defendant's
8 conduct as a member of the narcotics conspiracy charged in the lesser included offense as
9 charged in Count 1, which includes the reasonably foreseeable conduct of other members
10 of the narcotics conspiracy charged in the lesser included offense as charged in Count 1,
11 involved more than five grams of more of actual methamphetamine, 50 grams of more of
12 mixture or substance containing a detectable amount of methamphetamine, or 40 grams
13 or more of a mixture or substance containing a detectable amount of fentanyl.

14 Defendant understands that supervised release is a period of time following
15 imprisonment during which Defendant will be subject to certain restrictive conditions and
16 requirements. Defendant further understands that, if supervised release is imposed and
17 Defendant violates one or more of the conditions or requirements, Defendant could be
18 returned to prison for all or part of the term of supervised release that was originally
19 imposed. This could result in Defendant serving a total term of imprisonment greater than
20 the statutory maximum stated above.

21 Defendant understands that as a part of any sentence, in addition to any term of
22 imprisonment and/or fine that is imposed, the Court may order Defendant to pay
23 restitution to any victim of the offense, as required by law.

24 Defendant further understands that the consequences of pleading guilty may
25 include the forfeiture of certain property, either as a part of the sentence imposed by the
26 Court, or as a result of civil judicial or administrative process.

1 Defendant agrees that any monetary penalty the Court imposes, including the
 2 special assessment, fine, costs, or restitution, is due and payable immediately and further
 3 agrees to submit a completed Financial Disclosure Statement as requested by the United
 4 States Attorney's Office.

5 Defendant understands that, if pleading guilty to a felony drug offense, Defendant
 6 will become ineligible for certain food stamp and Social Security benefits as directed by
 7 Title 21, United States Code, Section 862a.

8 **4. Immigration Consequences.** Defendant recognizes that pleading guilty
 9 may have consequences with respect to Defendant's immigration status if Defendant is
 10 not a citizen of the United States. Under federal law, a broad range of crimes are grounds
 11 for removal, and some offenses make removal from the United States presumptively
 12 mandatory. Removal and other immigration consequences are the subject of a separate
 13 proceeding, and Defendant understands that no one, including Defendant's attorney and
 14 the Court, can predict with certainty the effect of a guilty plea on immigration status.
 15 Defendant nevertheless affirms that Defendant wants to plead guilty regardless of any
 16 immigration consequences that Defendant's guilty plea(s) may entail, even if the
 17 consequence is Defendant's mandatory removal from the United States.

18 **5. Rights Waived by Pleading Guilty.** Defendant understands that by
 19 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

- 20 a. The right to plead not guilty and to persist in a plea of not guilty;
- 21
- 22 b. The right to a speedy and public trial before a jury of Defendant's
- 23 peers;
- 24 c. The right to the effective assistance of counsel at trial, including, if
- 25 Defendant could not afford an attorney, the right to have the Court appoint one for
- 26 Defendant;
- 27 d. The right to be presumed innocent until guilt has been established

beyond a reasonable doubt at trial;

e. The right to confront and cross-examine witnesses against Defendant at trial;

f. The right to compel or subpoena witnesses to appear on Defendant's behalf at trial;

g. The right to testify or to remain silent at trial, at which trial such silence could not be used against Defendant; and

h. The right to appeal a finding of guilt or any pretrial rulings.

6. **United States Sentencing Guidelines.** Defendant understands and acknowledges that the Court must consider the sentencing range calculated under the United States Sentencing Guidelines and possible departures under the Sentencing Guidelines together with the other factors set forth in Title 18, United States Code, Section 3553(a), including: (1) the nature and circumstances of the offense(s); (2) the history and characteristics of Defendant; (3) the need for the sentence to reflect the seriousness of the offense(s), to promote respect for the law, and to provide just punishment for the offense(s); (4) the need for the sentence to afford adequate deterrence to criminal conduct; (5) the need for the sentence to protect the public from further crimes of Defendant; (6) the need to provide Defendant with educational and vocational training, medical care, or other correctional treatment in the most effective manner; (7) the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the need to avoid unwarranted sentence disparity among defendants involved in similar conduct who have similar records. Accordingly, Defendant understands and acknowledges that:

a. The Court will determine Defendant's Sentencing Guidelines range at the time of sentencing;

1 b. After consideration of the Sentencing Guidelines and the factors in
2 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the
3 maximum term authorized by law;

4 c. The Court is not bound by any recommendation regarding the
5 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines
6 range offered by the parties or the United States Probation Department, or by any
7 stipulations or agreements between the parties in this Plea Agreement; and

8 d. Defendant may not withdraw a guilty plea solely because of the
9 sentence imposed by the Court.

10 7. **Ultimate Sentence.** Defendant acknowledges that no one has promised or
11 guaranteed what sentence the Court will impose.

12 8. **Statement of Facts.** Defendant admits Defendant is guilty of the charged
13 offense. The parties agree on the following facts:

14 a. Beginning at a time unknown, and continuing until at least May 8,
15 2024, the defendant, Sebastian Rojas, conspired with other known and unknown to
16 distribute controlled substances, including fentanyl and methamphetamine, within the
17 Western District of Washington

18 b. During the conspiracy, Mr. Rojas was responsible for transporting
19 drugs from California to the Western District of Washington. Specifically, on November
20 14, 2023, agents intercepted a Snapchat communication to Mr. Rojas from his co-
21 defendant Hector Duran Aldaco stating “sen[d] it on here.” Mr. Rojas then sent Mr.
22 Duran Aldaco a video of thousands of fentanyl pills. Mr. Duran Aldaco responded by
23 telling Mr. Rojas to send the video on Signal, an end-to-end encrypted platform.

24 c. The following day, November 15, 2023, OSP officers stopped a
25 white GMC Terrain (hereinafter “GMC Terrain”) northbound in Jackson, Oregon on I-5.
26 Mr. Rojas was the driver of the vehicle. OSP officers searched the GMC Terrain and
27 recovered approximately 15 kilograms of methamphetamine and 30 kilograms of fentanyl

1 pills, which resembled the fentanyl pills in the video sent from Mr. Rojas to Mr. Duran
2 Aldaco. The controlled substances were possessed by Mr. Rojas and his co-conspirators
3 for the purpose of distribution in the Western District of Washington. Mr. Rojas
4 knowingly conspired and agreed with his co-conspirators to distribute the controlled
5 substances to others for profit.

6 d. On May 14, 2024, investigators executed search warrants at a
7 number of locations associated with members of the DTO, including Mr. Rojas'
8 residence located at 1660 South 333rd Street, Trailer 109, Federal Way, Washington
9 (hereinafter "Federal Way Residence"). During the search of the residence, officers
10 located a Armscor Charles Daly Pistol and a Ruger P-95 Pistol, along with two
11 magazines and ten rounds of ammunition.

12 The parties agree that the Court may consider additional facts contained in the
13 Presentence Report (subject to standard objections by the parties) and/or that may be
14 presented by the United States or Defendant at the time of sentencing, and that the factual
15 statement contained herein is not intended to limit the facts that the parties may present to
16 the Court at the time of sentencing.

17 9. **Sentencing Factors.** The parties agree that the following Sentencing
18 Guidelines provisions apply to this case:

19 a. A base offense level of 38 as the relevant conduct involved 90,000
20 kilograms or more of converted drug weight, pursuant to USSG § 2D1.1(c)(1); and

21 b. A two-point increase, as a dangerous weapon was possessed
22 pursuant to USSG § 2D1.1(b)(1).

23 The parties agree they are free to present arguments regarding the applicability of
24 all other provisions of the United States Sentencing Guidelines. Defendant understands,
25 however, that at the time of sentencing, the Court is free to reject these stipulated
26 adjustments, and is further free to apply additional downward or upward adjustments in
27 determining Defendant's Sentencing Guidelines range.

1 **10. Acceptance of Responsibility.** At sentencing, if the Court concludes
 2 Defendant qualifies for a downward adjustment for acceptance of responsibility pursuant
 3 to USSG § 3E1.1(a) and Defendant's offense level is 16 or greater, the United States will
 4 make the motion necessary to permit the Court to decrease the total offense level by three
 5 levels pursuant to USSG §§ 3E1.1(a) and (b), because Defendant has assisted the United
 6 States by timely notifying the United States of Defendant's intention to plead guilty,
 7 thereby permitting the United States to avoid preparing for trial and permitting the Court
 8 to allocate its resources efficiently.

9 **11. Recommendation Regarding Imprisonment.** Pursuant to Federal Rule of
 10 Criminal Procedure 11(c)(1)(B), the United States agrees to recommend that the
 11 appropriate term of imprisonment to be imposed by the Court at the time of sentencing is
 12 a term no greater than 120 months. Defendant is free to make any recommendation
 13 permitted by law. Defendant understands that these recommendations are not binding on
 14 the Court and the Court may reject the recommendation of the parties and may impose
 15 any term of imprisonment up to the statutory maximum penalty authorized by law.
 16 Defendant further understands that Defendant cannot withdraw a guilty plea simply
 17 because of the sentence imposed by the Court. Except as otherwise provided in this Plea
 18 Agreement, the parties are free to present arguments regarding any other aspect of
 19 sentencing.

20 **12. Forfeiture of Assets.** Defendant understands that the forfeiture of assets is
 21 part of the sentence that must be imposed in this case. Defendant agrees to forfeit to the
 22 United States immediately Defendant's right, title, and interest in any and all property,
 23 real or personal, constituting, or derived from, proceeds that Defendant obtained, directly
 24 or indirectly, from his commission of Conspiracy to Distribute Controlled Substances
 25 (the lesser included offense of that charged in Count 1 of the Indictment), as well as any
 26 property used, or intended to be used, in any manner or part, to commit, or to facilitate
 27 the commission of, this offense. All such property is subject to forfeiture pursuant to Title

21, United States Code, Section 853, and includes, but is not limited to, the following property seized on or about May 14, 2024, from the residence of Defendant Sebastian Rojas, located at 1660 South 333rd Street, Trailer 109, Federal Way, Washington:

- a. One Armscor Charles Daly Pistol, bearing serial number CD012674;
- b. One Ruger P-95 Pistol, bearing serial number 314-09213;
- c. Two magazines; and
- d. Ten rounds of ammunition.

Defendant agrees to fully assist the United States in the forfeiture of the above-described property and to take whatever steps are necessary to pass clear title to the United States, including but not limited to: surrendering title and executing any documents necessary to effectuate such forfeiture; assisting in bringing any assets located outside the United States within the jurisdiction of the United States; and taking whatever steps are necessary to ensure that assets subject to forfeiture are not sold, disbursed, wasted, hidden, or otherwise made unavailable for forfeiture. Defendant agrees not to file a claim to any of the above-described property in any federal forfeiture proceeding, administrative or judicial, which may be or has been initiated, and agrees not to assist anyone else in making a claim to this property.

The United States reserves its right to proceed against any remaining property not identified in this Plea Agreement, including any property in which Defendant has any interest, if that property facilitated and/or constitutes proceeds of his commission of the offense of Conspiracy to Distribute a Controlled Substance (lesser-included offense charged of that charged in Count 1).

13. Abandonment of Contraband. Defendant also agrees that, if any federal law enforcement agency seized any illegal contraband, firearms, ammunition, or magazines, that were in Defendant's direct or indirect control, Defendant consents to the federal administrative disposition, official use, and/or destruction of same.

1 **14. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,
2 the United States Attorney's Office for the Western District of Washington agrees not to
3 prosecute Defendant for any additional offenses known to it as of the time of this Plea
4 Agreement based upon evidence in its possession at this time, and that arise out of the
5 conduct giving rise to this investigation. In this regard, Defendant recognizes the United
6 States Attorney's Office for the Western District of Washington has agreed not to
7 prosecute all of the criminal charges the evidence establishes were committed by
8 Defendant solely because of the promises made by Defendant in this Plea Agreement.
9 Defendant agrees, however, that for purposes of preparing the Presentence Report, the
10 United States Attorney's Office will provide the United States Probation Office with
11 evidence of all conduct committed by Defendant.

12 Defendant agrees that any charges to be dismissed before or at the time of
13 sentencing were substantially justified in light of the evidence available to the United
14 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant
15 with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119
16 (1997).

17 **15. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if
18 Defendant breaches this Plea Agreement: (a) the United States may withdraw from this
19 Plea Agreement and Defendant may be prosecuted for all offenses for which the United
20 States has evidence; (b) Defendant will not oppose any steps taken by the United States
21 to nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea
22 Agreement; and/or (c) Defendant waives any objection to the re-institution of any charges
23 that previously were dismissed or any additional charges that had not been prosecuted.

24 Defendant further understands that if, after the date of this Plea Agreement,
25 Defendant should engage in illegal conduct, or conduct that violates any conditions of
26 release or the conditions of confinement (examples of which include, but are not limited
27 to, obstruction of justice, failure to appear for a court proceeding, criminal conduct while

1 pending sentencing, and false statements to law enforcement agents, the Pretrial Services
2 Officer, Probation Officer, or Court), the United States is free under this Plea Agreement
3 to file additional charges against Defendant and/or to seek a sentence that takes such
4 conduct into consideration by requesting the Court to apply additional adjustments or
5 enhancements in its Sentencing Guidelines calculations in order to increase the applicable
6 advisory Guidelines range, and/or by seeking an upward departure or variance from the
7 calculated advisory Guidelines range. Under these circumstances, the United States is
8 free to seek such adjustments, enhancements, departures, and/or variances even if
9 otherwise precluded by the terms of the Plea Agreement.

10 **16. Waiver of Appellate Rights and Rights to Collateral Attacks.** Defendant
11 acknowledges that, by entering the guilty plea(s) required by this Plea Agreement,
12 Defendant waives all rights to appeal from Defendant's conviction, and any pretrial
13 rulings of the Court, and any rulings of the Court made prior to entry of the judgment of
14 conviction. Defendant further agrees that, provided the Court imposes a custodial
15 sentence that is within or below the Sentencing Guidelines range (or the statutory
16 mandatory minimum, if greater than the Guidelines range) as determined by the Court at
17 the time of sentencing, Defendant waives to the full extent of the law any right conferred
18 by Title 18, United States Code, Section 3742, to challenge, on direct appeal, the
19 sentence imposed by the Court, including any fine, restitution order, probation or
20 supervised release conditions, or forfeiture order (if applicable). This includes any
21 procedural challenges to the sentence, including any claim that the procedure employed
22 at sentencing violated Defendant's constitutional rights.

23 Defendant also agrees that, by entering the guilty plea(s) required by this Plea
24 Agreement, Defendant waives any right to bring a collateral attack against the conviction
25 and sentence, including any restitution order imposed, except as it may relate to the
26 effectiveness of legal representation or a claim of prosecutorial misconduct based on facts
27 unknown or not reasonably discoverable prior to entry of the judgment of conviction.

1 Defendant acknowledges that certain claims, including certain claims for
2 prosecutorial misconduct, will be barred by operation of law by virtue of their guilty plea,
3 independently from this Plea Agreement. This waiver does not preclude Defendant from
4 bringing an appropriate motion to address the conditions of Defendant's confinement or
5 the decisions of the Bureau of Prisons regarding the execution of Defendant's sentence.

6 If Defendant breaches this Plea Agreement at any time by appealing or collaterally
7 attacking (except as to claims not subject to the waiver, above) the conviction or sentence
8 in any way, the United States may prosecute Defendant for any counts, including those
9 with mandatory minimum sentences, that were dismissed or not charged pursuant to this
10 Plea Agreement.

11 17. **Voluntariness of Plea.** Defendant agrees that Defendant has entered into
12 this Plea Agreement freely and voluntarily, and that no threats or promises were made to
13 induce Defendant to enter a plea of guilty other than the promises contained in this Plea
14 Agreement or set forth on the record at the change of plea hearing in this matter.

15 18. **Statute of Limitations.** In the event this Plea Agreement is not accepted by
16 the Court for any reason, or Defendant breaches any of the terms of this Plea Agreement,
17 or Defendant withdraws from this Plea Agreement after it has been accepted by the
18 Court, the statute of limitations shall be deemed to have been tolled from the date of the
19 Plea Agreement to: (1) thirty days following the date of non-acceptance of the Plea
20 Agreement by the Court; or (2) thirty days following the date on which a breach of the
21 Plea Agreement by Defendant is discovered by the United States Attorney's Office; or
22 (3) thirty days following the grant of a motion to withdraw from the Plea Agreement.

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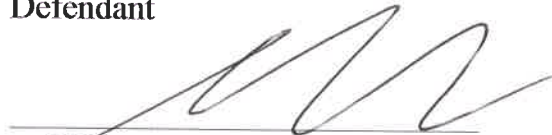
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1 **19. Completeness of Plea Agreement.** The United States and Defendant
2 acknowledge that these terms constitute the entire Plea Agreement between the parties,
3 except as may be set forth on the record at the change of plea hearing in this matter. This
4 Plea Agreement binds only the United States Attorney's Office for the Western District
5 of Washington. It does not bind any other United States Attorney's Office or any other
6 office or agency of the United States, or any state or local prosecutor.

7 Dated this 23rd day of May, 2025.

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10 SEBASTIAN ROJAS
11 Defendant

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13 NICHOLAS MARCHI
14 Attorney for Defendant

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16 VINCENT T. LOMBARDI
17 Assistant United States Attorney

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19 CASEY S. CONZATTI
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